
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

RYAN LLC,

Plaintiff,

CHAMBER OF COMMERCE OF
THE UNITED STATES OF
AMERICA, BUSINESS
ROUNDTABLE, TEXAS
ASSOCIATION OF BUSINESS, and
LONGVIEW CHAMBER OF
COMMERCE,

Plaintiff-Intervenors,

v.

FEDERAL TRADE COMMISSION,

Defendant.

No. 3:24-v-00986-E

**UNOPPOSED MOTION OF THE SOCIETY FOR HUMAN RESOURCE
MANAGEMENT FOR LEAVE TO FILE BRIEF AMICUS CURIAE IN
SUPPORT OF PLAINTIFF’S AND INTERVENORS’ MOTIONS FOR
SUMMARY JUDGMENT AND IN OPPOSITION TO
FTC’S MOTION FOR SUMMARY JUDGMENT**

Pursuant to Local Rule 7.2(b), proposed *amicus curiae*, the Society For Human Resource Management (“**SHRM**”), moves for leave to file the attached brief *amicus curiae* in support of Plaintiff’s and Plaintiff-Intervenors’ Motions for Summary Judgment (EFC Nos. 166 and 168) and in opposition to the FTC’s Motion for Summary Judgment (ECF No. 184) (jointly, “**Motions**”). Counsel for SHRM has

conferred with counsel for the parties, and certifies that the parties consent to the filing of the proposed *amicus* brief.

Short Statement of the Nature and Stage of the Proceedings

The Motions of Plaintiff, Plaintiff-Intervenors, and the FTC are currently pending before the Court. (ECF Nos. 166, 168, and 184) SHRM represents nearly 340,000 members worldwide with the purpose of creating better workplaces where employers and employees thrive together. As the voice of all things work, workers and the workplace, SHRM is the foremost expert, convener and thought leader on issues impacting today's evolving workplaces. As such, SHRM is uniquely situated to present the viewpoint of hundreds of thousands of its members who will be directly affected by the final rule of Federal Trade Commission ("*FTC*") that prohibits all noncompete agreements, across all workers, for all industries (the "*Rule*"). *See Non-Compete Clause Rule*, 89 Fed. Reg. 38,342 (May 7, 2024).

Issue to be Ruled Upon

SHRM seeks leave to file its attached brief *amicus curiae*. L.R. 7.2(b) provides that an amicus brief may only be filed with leave of the presiding judge. SHRM respectfully submits that its proposed brief will be helpful to the Court in resolving the pending Motions because SHRM provides useful context regarding the irreparable harm and complete chaos that will ensue to employers, human resources

managers, and employees if nationwide relief is not provided while issues surrounding the FTC's Rule are fully judicially decided.

The proposed brief will not cause any delay in the proceedings, nor will it prejudice any party.

CONCLUSION

WHEREFORE, *Amicus curiae*, SHRM, respectfully requests that the Court grant this unopposed Motion and grant leave to file the attached brief in support of Plaintiff's and Plaintiff-Intervenors' Motions for Summary Judgment and in opposition to the FTC's Motion for Summary Judgment.

Dated: August 9, 2024

Respectfully submitted,

/s/ Tricia W. Macaluso

Tricia W. Macaluso
Texas State Bar No. 24013773
Seyfarth Shaw LLP
2323 Ross Avenue, Suite 1660
Dallas, TX 75201
(469) 608-6700
tmacaluso@seyfarth.com

Jesse M. Coleman
Texas State Bar. No. 24072044
Eron F. Reid
Texas State Bar No. 24100320
Seyfarth Shaw LLP
700 Milam Street, Suite 1400
Houston, TX 77002
(713) 225-2300
jmcoleman@seyfarth.com
ereid@seyfarth.com

Michael D. Wexler
Marcus L. Mintz
(*pro hac vice previously granted*)
Seyfarth Shaw LLP
233 S. Wacker Drive, Suite 2800
Chicago, IL 60606
(312) 460-5000
mwexler@seyfarth.com
mmintz@seyfarth.com

CERTIFICATE OF COMPLIANCE

1. This document complies with the type-volume requirements of Judge Brown's Motion Practice procedures II.A because it contains 356 words; and

2. This document complies with the typeface requirements of Judge Brown's Motion Practice procedures II.A because it has been prepared in a proportionally spaced typeface using Microsoft Office Word in 14-point Times New Roman font.

Dated: August 9, 2024

/s/ Tricia W. Macaluso

Tricia W. Macaluso

CERTIFICATE OF SERVICE

I hereby certify that, on August 9, 2024, I caused the foregoing document to be filed with the Clerk for the U.S. District Court for the Northern District of Texas through the ECF system. Participants in the case who are registered ECF users will be served through the ECF system, as identified by the Notice of Electronic Filing.

Dated: August 9, 2024

Respectfully submitted,

/s/ Tricia W. Macaluso

Tricia W. Macaluso